

Awaiting Formal Approval
MINUTES

UTAH

**DENTIST
&
DENTAL HYGIENIST
LICENSING BOARD MEETING**

December 7, 2011

**Room 474 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:01 A.M.

**Bureau Manager:
Board Secretary:
Compliance Specialist:**

Board Members Present:

Guests:

ADJOURNED: 5:04 P.M.

Noël Taxin
Karen McCall
Neena Bowen

Alexander B. Larsen, DDS, Chairperson
Greg T. Beyeler, DDS
Karen S. Bateman, RDH
Constance A. Sliwinski, RDH
Pamela L. Jolley
Mark R. Taylor, DDS
Warren Woolsey, DDS
Todd C. Liston, DDS
Rich S. Radmall, DDS
John Bennion, Ph.D, Physicians Board Member
Kenneth L. Schaecher, MD, Physicians Board
Member

Michelle Martin, UDDH, Oral Health Program
Monte Thompson, UDA
Michelle Bott
Tanya Stephens
Kristie Muhlestein
Sarah Morris, WSU
Dr. Don Mantayla, Professional Insurance Exchange
Joleen VanBibber, ADAA
Whitnee Evans
Marcy Lee
Heather Tau'a

Karlie Nichols
Mollee Hardy
Ashley Nelson

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the September 15, 2011 Board meeting were read.

Dr. Woolsey made a motion to approve the minutes with minor revisions. Ms. Jolley seconded the motion. **The Board vote was unanimous.**

BUSINESS FROM PREVIOUS MEETING:

Law, Rule Review and Discussion

Ms. Taxin stated some questions have arisen and she explained it is a violation of the Law for licensed Dentists to dispense medications or prescriptions out of their office. She stated they are allowed to administer medications if the patient takes the medication right there in front of the Dentist and the Dentist must have a note in the patient chart and if a controlled substance is administered there must be a note in the DEA log. Ms. Taxin stated Fluoride Toothpaste and gingivitis mouth wash are prescription drugs that must have a prescription written for a Pharmacy to fill.

Ms. Taxin stated the Pharmacy Practice Act was opened for Physicians to dispense Latisse and HCG out of the office. She stated if the Dental Board and Association believe it is important they could request the Pharmacy Practice Act be opened to include Fluoride Toothpaste and gingivitis mouth wash for Dentists to dispense out of their offices. She stated if this is included the Pharmacy Practice Act then Dentists would have to abide by the dispensing Laws.

Ms. Taxin asked if the Board would like to make a recommendation to Mr. Thompson regarding going through the process for the Pharmacy Practice Act to include these two medications and possibly other Dental prescriptions as Dentists are currently selling out of their offices. She stated the Pharmacy Board,

Association, Physicians Board and UMA would also need to agree for these two medications to be included on the list.

Mr. Thompson commented that he became aware of the issue a few days ago and does not believe it is a concerning issue.

Ms. Taxin and the Board requested Mr. Thompson to follow up with the Dental Association membership and Pharmacy Association and report back at the next scheduled Board meeting.

Ms. Taxin referred to the North Carolina lawsuit document the Board received on States being sued for enforcing teeth whitening as the practice of Dentistry. She stated Connecticut is experiencing a similar lawsuit.

Karen Bateman Report on WREB and Other
States News

Ms. Bateman reported there were several States who submitted reports which included information regarding advanced practitioners. She stated the issue is something Utah will need to address regarding limitations, practice setting and additional education of Hygienists. She stated most advanced practitioners are practicing in health care facilities. Ms. Bateman stated she would categorize this license type as a step up from what Dental Hygienists are now doing. She stated there appears to be support from the Hygiene profession as they are able to offer care to the rural areas where there are not licensed professionals.

Ms. Bateman suggested the Board start thinking about what would be acceptable in Utah for advanced Hygiene practitioners.

Dr. Taylor responded the Dental Association has had extensive discussion regarding the advanced Hygiene practitioners.

Regulation of Radiology Portion of Dental
Assistant Schools

Ms. Taxin explained Ms. Van Bibber has brought up concerns of some Dentists providing Dental Assisting programs and charging a variety of fees which have been exorbitant. These Dentists have promised these young students a certification which has no value for gaining employment. Ms. Taxin asked the Board a

few questions:

1. Is it necessary to license Dental Assistants?
2. Are the requirements outlined in Rule enough for the regulation for Dental radiology?

Ms. Van Bibber stated these Dental Assistant DOPL programs should also be registered with the Board of Education as proprietary programs. She stated when students complete the Utah programs they receive radiology certificates which are good in Utah only. She stated many programs are offering to provide free whitening with their training program which makes the students patients. She stated the students are given care credited and are used in the offices for free care which is a questionable procedure.

Ms. Van Bibber stated the Weber program is going through the re-accreditation process. She proposed the Rules be revised requiring Dental Assistants being required to take a DANB examination. She stated DANB will write a State examination if requested by the State.

Ms. Taxin stated if a DANB examination was required then the section R156-69-603(11)(b)(ii) would be taken out and section 604 would no longer be necessary.

Ms. Bateman commented as techniques improve so will the DANB examination.

Following additional discussion Dr. Larsen agreed to contact Mr. Thompson regarding regulating Dental Assistants.

The Board decided further research and discussion needs to take place prior to changes in Rule.

APPOINTMENTS:

9:20 am to 9:50 am

Dr. Bryant Cornelius, Discussion of Licensure and Treatment Under Title 58

Ms. Taxin reminded the Board of the discussion at the September meeting and the Board determining Dr. Cornelius's program will not fall under the exemptions section of the Law and Rule. She stated Dr. Cornelius

had mentioned White Cap Institute is doing the same thing he wants to do and she has reported the situation to investigations but the Board cannot talk about the White Cap Institute situation. Ms. Taxin stated Dr. Cornelius wanted to meet today with the Board even though she made it clear that non-Utah licensed Dentists cannot work on Utah patients unless they are enrolled in a formal Dental education program. She stated she suggested Dr. Cornelius contact Roseman University regarding working his program through the University since they are in the process of being ADA accredited. Ms. Taxin stated the current request allows Dentists to come into Utah to attend Dr. Cornelius's program, work on Utah patients then not be available to follow up on care where a Utah licensee would be available for follow up care.

Dr. Cornelius introduced himself.

Board members and Division staff were introduced.

Dr. Cornelius explained the specialty education programs he has attended to increase his knowledge to treat beyond general Dentistry. He stated he, his wife and brother are in a clinic together and they draw patients from Utah, New Mexico, Colorado and Arizona. He explained he has the education for the use of lasers in his Dental work and would like to share his education with others so they are trained properly in the use of 4 wave lengths of lasers. Dr. Cornelius stated he is aware there is a discrepancy in Utah regarding who can practice on live patients and who cannot and was hoping the Board would agree that he falls under the exemption section in order to bring non-licensed Dentists in for the training and be able to work on Utah residents. He stated all patient procedures will be pro-bono for native Americans and/or low income patients. Dr. Cornelius read the exemption area of the Law, 58-1-307(1)(b), and asked what is meant by the word student.

Ms. Taxin responded student for Dental purposes would be a person in a formal Dental school.

Dr. Radmall stated it could also be a Dental Hygienist who is in a formal Dental Hygiene

program.

Dr. Cornelius asked the Board to clarify the meaning of a recognized school.

Dr. Radmall responded a recognized school would be an accredited school.

Following additional discussion the Board recommended Dr. Cornelius contact legal counsel for his questions as the Board cannot interpret the Law. The Board further suggested Dr. Cornelius take the appropriate steps to change the Law in order for non-Utah licensed Dentists to practice in Utah and to teach as he has requested.

Ms. Taxin stated if Dr. Cornelius develops language for a Law change the Board could review to determine if they would be comfortable with the proposed language.

Dr. Cornelius commented he is trying to work with Senator Knudsen and with Roseman University.

9:50 am

Neena Bowen, Compliance Update

Ms. Bowen updated the Board regarding the compliance or non-compliance of probationers.

Ms. Bowen reported **Dr. David M. Anderson** is currently in compliance as much as possible for his first appointment.

Dr. Schaecher , MD, and Dr. Bennion, Ph.D., from the Physicians Board were introduced.

Ms. Taxin explained Dr. Schaecher and Dr. Bennion are also meeting for Dr. Anderson's appointment as Dr. Anderson has dual licensure. She stated he requested a newly licensed Dentist as his supervisor but the Physician Board denied the application for Physician and the request to supervise as he is an employee of Dr. Anderson. She stated Dr. Anderson has now requested Dr. Flint to supervise. Ms. Taxin stated she tentatively pre-approved Dr. Flint as he also holds dual licensure and he will meet today for the Board to

interview and determine if he would be an approved supervisor. She stated the Dental Board with input from Dr. Schaecher and Dr. Bennion could decide if the Dental Board or the Physicians Board should monitor the probation. Ms. Taxin then read the facts and conditions of both Orders.

Ms. Taxin stated Dr. Anderson cannot prescribe controlled substances but when his suspension is lifted on the CS he will be required to have a CS on both his Physician and Dental licenses. She stated initially Dr. Anderson did not want to obtain a psychological evaluation and treatment from Pine Grove as requested by the Division. Ms. Taxin stated he was seeing Dr. Michael Crookston, Psychiatrist, and Michael Dusoe, LCSW, who have not coordinated with the Division regarding his status.

The Board asked why the case has taken so long to come to the Boards.

Ms. Taxin stated Dr. Anderson's case has been in negotiations with attorneys for months and she was and is concerned with Dr. Anderson's safety to practice and for the welfare of his patients. She stated it is important for the Board to ensure he understands his Order requirements and that there is coordination between Pine Grove's recommendations and his treatment in Utah.

Ms. Bowen reported Dr. David L. Flynn is currently in compliance with his Stipulation and Order. She stated early termination was discussed at his last appointment and the Board recommended further discussion today. Ms. Bowen stated Ms. Taxin had suggested Dr. Flynn hold off on obtaining another evaluation until he met with the Board today.

Ms. Taxin explained she had recommended Dr. Flynn obtain a second psychological evaluation before termination of probation to be sure he is safe to practice and not at risk. She stated she does not want Dr. Flynn to obtain another evaluation if he was going to stay on probation. She stated Dr.

Flynn's therapy reports and supervisor reports are positive with no concerns and recommendation of early termination of probation. Ms. Taxin stated the Board should meet with Dr. Flynn prior to making their recommendation for him to obtain a second evaluation.

Dr. Larsen commented if Dr. Flynn's probation is terminated today it would be a year and a half early from his scheduled timeframe.

Ms. Bateman commented Dr. Flynn was on a three year probation which is shorter than some the Board has seen. She asked if Dr. Flynn has been seeing his therapist about two and a half years.

Ms. Taxin responded yes, Dr. Flynn has seen his therapist about two and a half years. She then clarified Dr. Flynn had been working on his issues for several years prior to being put on probation and it being reported to the Division and he had successfully completed the court required therapy and probation so it was determined that the probation period should be less than five years. She stated it appears Dr. Flynn has taken responsibility and he has been in compliance the entire time he has been on probation.

Dr. Beyeler asked if a letter from Dr. Flynn's daughter was received.

Ms. Taxin responded no but the Board could request Dr. Flynn to have his wife and daughter write separate letters for the Board to review to be comfortable that all the issues have been resolved prior to considering termination. She stated the Board could also request his wife and daughter to meet with them if they feel comfortable.

Ms. Bowen reminded the Board that they had requested at the last meeting for Dr. Flynn's daughter to submit a letter.

Dr. Beyeler commented if the Board is considering early termination of probation he wants to be sure Dr. Flynn is doing well and the issues have been or

are being resolved.

Ms. Taxin stated if the Board requests an evaluation now and also request Dr. Flynn's wife and daughter to meet in March and they disclose they are not comfortable with the probation being terminated yet then Dr. Flynn would have to get another evaluation before he is terminated.

Ms. Taxin recommended the Board interview Dr. Flynn to determine his status and then address is they want to consider early termination but that they are not required to honor his request.

Ms. Bowen reported **Dr. John W. Myers** is currently out of compliance with his Stipulation and Order. She stated he has missed calling in three times and has had one diluted test which is considered a positive. Ms. Bowen stated Dr. Myers has explained he drinks a lot of fluids during the day. She stated he does not have to call in every day but if he misses a scheduled test it is considered a violation for a no show. She stated he also was required to have one prescribing practitioner and he has three with different prescriptions from each of them.

Ms. Taxin stated Dr. Myers probation is scheduled to be completed February 15, 2012. She suggested the Board ask him to explain the missed calls, the diluted test and having three prescribing practitioners.

Ms. Bowen reported **Dr. Jonathan F. Coleman** is currently in compliance with his Stipulation and Order. She stated his therapist has submitted a letter of completion of therapy. Ms. Bowen suggested the Board discuss his therapy and determine if he should continue.

Ms. Taxin stated Dr. Coleman has only been on probation for a short period of time and now the therapist wants to terminate his therapy. She requested the Board address if perhaps he should go to a different therapist or maybe request an

evaluation to determine if Dr. Coleman has addressed his issues.

Ms. Bowen reported **Dr. Louis R. Christensen** is currently in compliance with his Stipulation and Order. She stated his therapist has included more detail on the last report. Ms. Bowen stated she does need Dr. Christensen to submit his prescriptions online in order for her to have access to the information.

Ms. Bowen reported **Dr. John S. Coleman** is currently out of compliance with his Stipulation and Order. She stated she has not received the report from Dr. Sucher, his supervisor in Arizona.

Ms. Taxin reminded the Board that Dr. Coleman is being monitored by the Arizona Board. She stated if Dr. Sucher submits the report within the next few days she would recommend Dr. Coleman be moved to compliant.

Ms. Bowen reported **Dr. Verd Erickson** is currently out of compliance with his Stipulation and Order and will not be meeting today due to his poor health. She stated the supervision report from Dr. Ence has not been received.

Ms. Taxin commented whether Dr. Erickson meets with Dr. Ence or not the reports need to be submitted.

Ms. Bowen reported **Dr. W. Scott Andersen** is currently in compliance with his Stipulation and Order. She requested the Board obtain clarification regarding what principles are being referred to on the supervisors report.

Ms. Bowen reported **Dr. Steven C. Pinegar** is currently in compliance with his Stipulation and Order. She stated Dr. Pinegar reported he was completing 20 hours of CE but when she received the

documentation there were only 18 hours documented. Ms. Bowen requested the Board to review the CS database documentation as there are a few individuals who have received large amounts of prescriptions.

Ms. Taxin requested the Board to clarify with Dr. Pinegar as the type and amounts of prescriptions appear to be more in the scope of the practice of medicine which Dr. Pinegar cannot do.

Ms. Bowen reported **Dr. Jared W. Hemmert** is currently in compliance with his Stipulation and Order. She stated he had a second dilute test and he sent a letter explaining his running and the need to hydrate. Ms. Bowen requested the Board to remind Dr. Hemmert to do his reports online.

Ms. Bowen reported **Dr. John V. McArthur** is currently in compliance with his Stipulation and Order.

Ms. Taxin stated the court document was received and his civil issue was dismissed. She reminded the Board of their request for Dr. McArthur to bring some charts for them to review to be sure he is documenting properly. She reminded the Board that his CS log regarding what he was administering in the office was not recorded correctly and that is the Law he violated.

Ms. Bowen reported Ms. Taxin will recuse herself and Clyde Ormond will conduct the interview with **Dr. S. Dale Hibbert**.

Dr. Beyeler stated he would also be recusing himself from the interview with Dr. Hibbert.

Ms. Bowen stated **Dr. S. Dale Hibbert** will be meeting today regarding the Board lifting the suspension on his licenses. She stated Dr. Hibbert did not appear for his job interview with Donated Dental. She stated she received a letter from his proposed supervisor stating he would be willing to supervise Dr.

Hibbert but it is contingent on Donated Dental hiring him. She stated the proposed supervisor did not submit his resume.

Ms. Taxin stated Donated Dental agreed to make another appointment with Dr. Hibbert for January 18, 2012 and the Board will be meeting March 22, 2012. She stated after meeting with Dr. Hibbert if the Board is comfortable, they could recommend the suspension be lifted.

Dr. Taylor asked why the appointment was missed.

Ms. Bowen responded Dr. Hibbert had explained he lost his telephone where the appointment was entered and forgot the appointment.

Ms. Sliwinski asked if the Board would have to lift the suspension today.

Ms. Taxin responded no. She stated the Board should be sure Donated Dental will let Dr. Hibbert work there and he will need a Board approved supervisor.

Dr. Taylor asked if Dr. Hibbert made any effort to contact Donated Dental regarding his missed appointment.

Ms. Bowen responded Stephanie at Donated Dental contacted her to say Dr. Hibbert missed his appointment. She stated Stephanie informed her Dr. Hibbert went to Donated Dental about a week later.

Ms. Bateman asked if Dr. Hibbert is allowed to work at all as a Dentist with a suspended license.

Ms. Taxin responded no. She stated all the paperwork has not yet been submitted for the Board to approve the supervisor. Ms. Taxin stated Dr. Randall Kelly is the proposed supervisor and there is no reason not to approve him but the paperwork must be submitted and reviewed before approval, plus Dr. Hibbert needs to have an approved employment setting to work in.

10:30 am

Dr. David M. Anderson and Dr. Robert Flint,
Proposed Supervisor, Initial Probationary
Interview

Dr. Anderson and Dr. Flint met for Dr. Anderson's
initial probationary interview.

Board members and Division staff were introduced.
Dr. Schaecher and Dr. Bennion from the Physicians
Board were also introduced as Dr. Anderson also
holds a Physician and Surgeon license.

Dr. Larsen conducted the interview.

Close Meeting

10:44 am

**Dr. Liston made a motion to close the meeting to
discuss Dr. Anderson's psychological evaluation.**

Dr. Radmall seconded the motion.

The Board vote was unanimous.

Reopen Meeting

11:25 am

Dr. Liston made a motion to reopen the meeting.

Dr. Beyeler seconded the motion.

The Board vote was unanimous.

Continuation of appointment with Dr.
Anderson

**Dr. Larsen asked what relationship Dr. Flint has
with Dr. Anderson.**

Dr. Flint responded he covered Dr. Anderson's office
a few days but there is no relationship with Dr.
Anderson or the office.

**Dr. Larsen asked if Dr. Flint understands what his
responsibilities will be if he is approved to
supervise.**

Dr. Flint responded he has read the Stipulation and
Order, spoke with Ms. Taxin and believes he does
understand the responsibilities. He stated he has also
added a few things he wants to cover with Dr.
Anderson beyond the Order requirements. Dr. Flint
stated he has met weekly with Dr. Anderson and
sometimes has just shown up without an appointment.
He stated he checks patient charts randomly and
yesterday he suggested Dr. Anderson record the drugs
differently so they are easier to track. He stated Dr.
Anderson has made some changes in his procedures

due to their discussions. Dr. Flint stated the staff are aware of his supervision and participation and what is going on with Dr. Anderson. He stated they all have his telephone number and have been instructed to call him if there is anything they believe is not right.

Dr. Schaecher asked if Dr. Flint and Dr. Anderson have a social relationship outside of the supervision relationship.

Dr. Flint responded no. He stated they have seen each other at professional functions.

Ms. Taxin stated she tentatively preapproved Dr. Flint after conducting a telephonic interview with him but the Board would need to formally approve him to supervise if they believe he would be an appropriate supervisor.

Dr. Radmall made a motion to approve Dr. Flint as Dr. Anderson's supervisor.

Dr. Taylor seconded the motion.

The Board vote was unanimous. Dr. Schaecher and Dr. Bennion also voted in favor.

Dr. Schaecher recommended Dr. Anderson meet with the Physicians Board on January 11, 2012 for monitoring.

Ms. Taxin stated Dr. Anderson has met with Ms. Higgs and Ms. Harry regarding his Order. She asked if Dr. Anderson understands the conditions.

Dr. Anderson responded he does understand the conditions he will have to meet.

Ms. Taxin stated Dr. Anderson will need to contact Dr. Crookston and Mr. Dusoe right away to have them submit letters regarding his therapy coordinating the recommendations of the Pine Grove evaluation and explain his treatment plan and frequencies for treatment. She stated if Dr. Anderson thinks he might have a relapse he should stay home and not go into work but make a healthy

choice and contact his sponsor and treatment providers. Ms. Taxin stated Dr. Anderson needs to be honest with his issues.

Dr. Larsen stated the Dental and Physicians Boards are here to assist Dr. Anderson and if he stays in compliance he will be on the road to recovery sooner.

The Board determined Dr. Anderson is in compliance as much as possible for his first interview.

An appointment was made for Dr. Anderson to meet with the Physicians Board on January 11, 2012.

11:15 am

Dr. David L. Flynn, Probationary Interview

Dr. Flynn met for his probationary interview.

Ms. Jolley conducted the interview.

Dr. Flynn reported his step-daughter went back to high school and has not been working as often in his office. He stated she now wants Dental Assisting as a career after high school. Dr. Flynn stated he is following the Stipulation and Order and has Ms. Bowen's card on his wall.

Ms. Taxin asked how Dr. Flynn is doing without therapy as he stated at his last appointment that he and his therapist noted he does not need any more therapy.

Dr. Flynn responded he has done well and has not gone back to the therapist but he does attend a community support group. He stated he has had a relapse since he last met with the Board. He stated he does really well, then something triggers him and this time it was a movie he and his wife watched. He stated he believes it is unrealistic to think he will never relapse but his goal is if he does relapse to go to a support group for awhile and get back on track. He stated it caught him off guard as he has worked hard not to have a relapse.

Dr. Radmall responded the Board hopes Dr. Flynn's relapses will be less frequent until he no longer has a relapse.

Ms. Taxin asked if Dr. Flynn has talked with his therapist regarding his relapse and the triggers.

Dr. Flynn responded no. He stated he attends SAA and talks about the triggers and the relapse there.

Ms. Taxin stated Dr. Flynn has made progress and his therapist reported he no longer needed therapy but it might be beneficial to find a different therapist and Dr. Peter Byrne might recommend one.

Dr. Radmall commented it seems to him to be a little soon to have a relapse. He stated he would not want Dr. Flynn to think he can relapse now and then. He wants Dr. Flynn to think he will never have another relapse. He asked if the relapse was after he stopped seeing the therapist.

Dr. Flynn responded yes. He stated it was about a month ago and he had stopped seeing the therapist several months ago. Dr. Flynn stated anyone who has an addiction has it on the back of their mind to be vigilant and he should have looked online regarding the content of the movie. He stated he believes 15 years from now he will still have it in his mind to be vigilant. Dr. Flynn stated he knows if something starts to trigger him he has resources to reach out to.

Ms. Taxin stated Dr. Flynn had a trigger and relapse. She asked what steps he took after.

Dr. Flynn responded he started attending SAA again. He stated he also knows he can go visit his therapist.

Dr. Woolsey commented the issue is all around and the trick is for Dr. Flynn not to dwell on it but to put something in his mind to replace his desire.

Dr. Radmall commented Dr. Flynn has resources to go to but needs to find outlets to safeguard himself.

Ms. Taxin commented if Dr. Flynn is in an unplanned situation and finds a movie is triggering him he might try putting his head down and have his wife tell him when that part is over. She stated sex is a natural behavior but Dr. Flynn was making poor choices with it.

Ms. Taxin stated Dr. Flynn had requested early termination of his probation at the last meeting and the Board had voiced concerns regarding the request being premature. She stated the Board is charged with the protection of the public and sharing his relapse indicates he did take responsibility for his actions. Ms. Taxin recommended Dr. Flynn hold off on obtaining another evaluation and maybe see another therapist as someone else might have additional ways to help him. She stated his issues are a life long thing for him and she believes his therapist may have been premature in recommending he be released from therapy. Ms. Taxin suggested Dr. Flynn contact Dr. Byrne for a recommendation or suggestion and then the Board could review for a second evaluation. She voiced being proud of Dr. Flynn for disclosing his relapse and for returning to his support group. She stated Dr. Flynn's relapse validated the concern of the Board. Ms. Taxin stated the Board has seen Dr. Flynn's improvement but the Board is here to protect the public.

Dr. Flynn responded if he meets with a therapist and they are happy about his progress would the Board consider termination of probation.

Ms. Taxin responded it is not about the therapist being happy with Dr. Flynn. She stated it is ensuring Dr. Flynn has support and coping skills to address his addiction. She stated the Board cannot require Dr. Flynn to go back to therapy, it is a recommendation only but the Board can say probation will not be terminated at this time.

Dr. Flynn responded he would prefer returning to the therapist he was seeing as she knows him and his history.

Ms. Jolley commented Dr. Flynn is not the only person who has had a relapse and maybe a different therapist might see something and be able to help him more.

Dr. Flynn asked if it would be ok to have another evaluation if Dr. Byrne thinks he should have one.

Ms. Taxin responded if Dr. Byrne believes Dr. Flynn should have another evaluation and determines Dr. Flynn is at a low risk for reoffending the Board could consider the evaluation recommendation.

The Board determined Dr. Flynn is in compliance with his Stipulation and Order.

An appointment was made for Dr. Flynn to meet again March 22, 2012.

11:30 am

Dr. John W. Myers, Probationary Interview

Dr. Myers met for his probationary interview.

Dr. Beyeler conducted the interview.

Dr. Myers reported he is still working in the same locations. Dr. Myers stated Dr. Duke wants him to buy his practice but he is not sure he wants the responsibility. He stated Professional Dental wants him to work an additional day and he still has his own private practice on Mondays. He stated he has remained sober, still attends his meetings regularly and still talks with his therapist and sponsor.

Dr. Beyeler requested an explanation regarding three missed check ins.

Dr. Myers responded he was used to calling a specific number any time and now has to call before the 5:00 pm cutoff time which is difficult to remember when he is busy. He stated he got out of his routine and simply forgot to call. Dr. Myers stated he has cut out some of his activities and has put in place notes and an alarm to remind him to call before the 5:00 pm deadline. He

stated he no longer thinks of using drugs so calling and testing is not on his mind.

Dr. Beyeler explained the importance of checking in daily. He stated Dr. Myers has been in compliance for a long time and it is a concern for him to be out of compliance.

Dr. Radmall requested an explanation for the diluted test.

Dr. Myers responded he had been prescribed a prescription and did not realize he should not drink a lot of water. He stated he had the testing center test his hair and would be glad to release the results to the Board.

Dr. Beyeler reminded Dr. Myers that a dilute is considered a positive test. He stated Dr. Myers Order requires him to have one prescribing Physician and there are three Physicians who have prescribed to him.

Dr. Myers responded one is his primary Physician, one is a Podiatrist as he was having some foot problems and received a prescription and the third is his prostrate Physician who gave him a prescription.

The Board accepted the explanations but Dr. Beyeler requested Dr. Myers to submit the report of his hair test when he receives the results.

Dr. Larsen commented today is the last appointment the Board will have with Dr. Myers as his probation is scheduled to be terminated February 15, 2012.

Ms. Taxin asked Dr. Myers to explain his feelings on be terminated from his probation.

Dr. Myers responded staying sober affects his Dental license but his main reason to continue to stay sober is for his family and self. He stated being released from probation will not change his life style. He stated he would be willing to be a resource for the Board if he can help someone else. Dr. Myers stated he now

realizes to be licensed is a privilege and not a right.

Dr. Larsen commented Dr. Myers has been a great example to go above and beyond the requirements which has made the Board's responsibility of monitoring easier.

Ms. Taxin stated Dr. Myers has showed how he can use his resources and has done well on his probation. She reminded Dr. Myers that she and the Board are here to support him in being a good Dentist and if drug testing would help she could work something out for him to continue testing.

Dr. Myers voiced appreciation and stated he would like to get off probation so he can apply for his DEA registration and the Controlled Substance license. He stated his therapist requires random urinalysis so he will be tested periodically.

Ms. Taxin stated when Dr. Myers renews his license in May he will have to complete a tutorial and examination on controlled substance prescribing. She stated if he would like to take a course in prescribing to find something and she will review it for him to be sure it is an appropriate course. Ms. Taxin stated the AADE has a course that has a minimal cost. She also referred Dr. Myers to read Dr. Scott M. Fishman's, MD, book, "Responsible Opioid Prescribing" and gave him a copy of the book. Ms. Taxin stated she would like to see one more report from Dr. Myers supervisors voicing their support for termination of probation, verifying random drug testing and that there has been no issues these last couple of months. She requested the reports be submitted by the end of January 2012.

Dr. Radmall asked Dr. Myers what is different this time with Dr. Myers probation that was not in place the last time.

Dr. Myers responded this time he is doing what he needs to do to stay sober by attending meetings regularly, talking regularly with his sponsor and seeing his therapist once a month. He stated toward

the end of his probation the last time is when he started using again.

Dr. Beyeler made a motion to make Dr. Myers compliant today based on his explanations.

Dr. Taylor seconded the motion.

The Board vote was unanimous.

The Board recommended a successful termination of probation on February 15, 2012.

11:45 am

Dr. Jonathan F. Coleman, Probationary
Interview

Dr. Coleman met for his probationary interview.

Dr. Radmall conducted interview.

Dr. Coleman reported he has been accepted on the Blue Cross insurance panel. He stated he still needs another letter from Ms. Taxin for an additional insurance panel. Dr. Coleman then asked if his probation could be terminated as insurance companies do not want probationers on their panels.

Ms. Taxin stated she is now writing letters for probationers on a regular basis. She stated she has talked with Stephanie, the insurance person at Blue Cross, and Stephanie wants letters of compliance for each probationer. Ms. Taxin stated in the past she has tailored each letter for each probationer but letters will now be in a standard format. Ms. Taxin stated the information is also on the DOPL website newsletter and in the Board minutes which are posted on the website. Ms. Taxin stated in doing a favor writing the letters has now become time consuming. Ms. Taxin responded Ms. Bowen will write a letter documenting if Dr. Coleman is in compliance with his Stipulation and Order or if he is out of compliance. She stated if the companies need specifics they will have to go online to review the minutes. Ms. Taxin stated it is too soon for the Board to consider termination of probation.

Dr. Radmall asked when Dr. Coleman's sobriety date is.

Dr. Coleman responded about 5 years and then on January 15, 2010 he had a relapse. He stated he is attending AA one or more times a week now.

Ms. Taxin stated Dr. Coleman's therapist has recommended termination of therapy.

Dr. Radmall voiced concern regarding termination of therapy.

Dr. Coleman responded he has attended therapy a year longer than the therapist believed he needed to. He reminded the Board that he requested termination of therapy a couple of meetings ago as his therapist, Sandy Brook, Professional Counselor, believes it is meeting the condition of the Order and no longer helping him.

Ms. Taxin stated Dr. Coleman's evaluation from Sandy Brook said he had a low probability of drinking again but then he had a relapse which is a concern. She stated the goal of the Board/Division is to protect the public and to be sure he receives the help he needs so he does not relapse again. She stated every therapist has their strengths and weaknesses and Dr. Coleman might want to consider someone else for a second opinion. She stated Dr. Coleman saw Randal Oster, a Psychologist, in Park City on May 9, 2011, and he might want to contact Dr. Oster again as Dr. Oster's evaluation recommended therapy. Ms. Taxin stated she and the Board want to make sure Dr. Coleman is receiving all the help he needs but should also be getting something out of going to therapy and sometimes a second opinion can be helpful. She suggested Dr. Coleman contact Dr. Oster for a recommendation of someone or call her and she will give him a recommendation. She stated Dr. Coleman should provide Ms. Brooks information and Dr. Oster's and ask if they can offer him any more insight and help.

Dr. Larsen read Dr. Oster's recommendations. He stated he believes it would be advantageous to continue therapy with Ms. Brook or someone. He

stated he does not believe requesting a second opinion is unreasonable and if the second opinion comes to the same conclusion then the Board would be more comfortable with his request.

Dr. Coleman responded he does not understand why he should get another opinion after all he did prior to being on probation and during his probation.

Ms. Taxin responded the frequency and timeframe are not specifically stated in the Order but based on his history she and the Board believe more monitoring is necessary. She stated Dr. Coleman needs to have things in place to be sure he is safe to practice and the public is safe. She stated it appears Ms. Brooks did not consider the recommendation of Dr. Oster and she does not understand why Ms. Brooks and Dr. Coleman would not value Dr. Oster's recommendation.

Dr. Larsen responded the Board recognized all the work Dr. Coleman has done but cannot disregard the evaluation recommendations.

The Board determined Dr. Coleman is in compliance with his Stipulation and Order.

An appointment was made for Dr. Coleman to meet again March 22, 2012.

12:00 pm to 1:00 pm

Board Member Training

1:00 pm

Dr. Louis R. Christensen, Telephonic Probationary Interview

WORKING LUNCH

Deferred to a later meeting.

Dr. Christensen met for his telephonic probationary interview.

Ms. Sliwinski conducted the interview.

Dr. Christensen reported he is still working on his bankruptcy and still working with Dr. Dorius. He reported he is doing well with his sobriety, attending his meetings and has great support from his wife.

Ms. Jolley asked if Dr. Christensen works with his

sponsor.

Dr. Christensen responded yes. He stated he sees his sponsor a couple of times a month. He stated his sponsor gives him reading assignments and he reports back after completing the assignments.

Ms. Taxin asked what Dr. Christensen does to relieve his stress.

Dr. Christensen responded he does golf and other types of exercises and is keeping up with his life.

Dr. Larsen asked about Dr. Christensen's health.

Dr. Christensen responded his health is doing well with minor medication.

Ms. Sliwinski asked if Dr. Christensen is still seeing his therapist about every six weeks.

Dr. Christensen responded yes.

Ms. Sliwinski informed Dr. Christensen that Dr. Dorius provided more details on his report. She stated he made positive comments regarding Dr. Christensen and his performance. Ms. Sliwinski reminded Dr. Christensen to be sure to put his prescribed prescription online for Ms. Bowen.

Dr. Christensen responded he will start using the online program.

The Board determined Dr. Christensen is in compliance with his Stipulation and Order.

An appointment was made for Dr. Christensen to meet telephonically on March 22, 2012.

1:10 pm

Dr. John S. Coleman, Telephonic Probationary Interview

Dr. Coleman met for his telephonic probationary interview.

Ms. Jolley conducted the interview.

Dr. Coleman reported he is doing well and celebrated

three years sobriety on October 9, 2011.

Ms. Jolley asked what helps Dr. Coleman when he is stressed or needs a break.

Dr. Coleman responded he is good about going to a detox center every week and he does some exercises with a friend. He stated he has found that life always has ups and downs and situations that need to be dealt with.

Ms. Jolley stated Dr. Coleman's supervisor report has not been received.

Ms. Taxin stated the report was due December 1, 2011, and would need to be received by Monday for the Board to consider Dr. Coleman to be compliant with his Stipulation and Order.

Dr. Coleman responded he will check with Dr. Sucher. He stated the Arizona Board turned everything over to Dr. Sucher and he reports to the Arizona Board.

The Board determined Dr. Coleman is out of compliance with his Stipulation and Order unless the report is received.

An appointment was made for Dr. Coleman to meet telephonically on March 22, 2012.

1:20 pm

Dr. Verd Erickson, Telephonic Probationary Interview

Ms. Bowen had reported Dr. Erickson would not meet today due to health issues.

An appointment was made for him to meet March 22, 2012.

1:30 pm

Dr. W. Scott Andersen, Telephonic Probationary Interview

Dr. Andersen met for his telephonic probationary interview.

Dr. Taylor conducted the interview.

Dr. Andersen reported he has been able to secure some liability insurance and is moving forward. He stated he has stopped pursuing selling his practice and will

stay where he is as the practice is fairly steady.

Dr. Taylor stated Dr. Peterson reported Dr. Andersen has learned the principles he has been taught and is now teaching them to others. He asked what the principles learned are.

Dr. Andersen responded he and Dr. Peterson have discussed at length principles of responsibility and being able to convey that so some of his patients who are having trouble accepting their responsibilities as patients.

Ms. Taxin asked why Andersen is teaching his patients responsibility and why he would have concerns.

Dr. Andersen responded he has some patients who do not take responsibility to meet their obligations of the recommended treatment.

Dr. Taylor stated in Dentistry it is easy to have non-compliant patients transfer their guilt to the practitioner to take responsibility for the problems with their teeth.

After discussion, the Board determined Dr. Andersen is in compliance with his Stipulation and Order.

An appointment was made for Dr. Andersen to meet telephonically on March 22, 2012.

Dr. Andersen left the meeting.

Following Dr. Andersen's departure the Board discussed the possibility of considering early termination of his probation due to his compliance and taking responsibility for his actions. Based on Dr. Andersen's probation being a two year period the Board recommended Dr. Andersen meet March 22, 2012 and then consider early termination.

1:40 pm

Dr. Steven C. Pinegar, Probationary Interview

Dr. Pinegar met for his probationary interview.

Dr. Beyeler conducted the interview.

Dr. Pinegar explained he had reported he would complete about 20 hours of CE but when he added the hours up it came to 18 hours.

Ms. Taxin commented the requirement of CE was not about the number of hours but about courses that addressed Dr. Pinegar's issues.

Dr. Beyeler stated the supervisor reports from Dr. McIff were received and were positive.

Ms. Taxin asked if Dr. Pinegar and Dr. McIff are reviewing things in his office to make sure he is charting appropriately, billing properly, etc. She suggested they rotate the areas he reviews and have Dr. McIff address what they discussed in his next report.

Dr. Pinegar responded Dr. McIff has given him some very good suggestions which he has incorporated in his practice.

Dr. Beyeler stated the CS report indicates a lot of prescriptions for one patient. He stated from November 10, 2001 to December 8, 2011 there were 22 prescriptions written for 12 to 15 tablets each and there are different Pharmacies where the prescriptions were filled.

Dr. Pinegar reviewed the CS report and responded the patient needed extensive Dental work. He voiced concern and stated he has talked with the patient about the possibility of addiction. Dr. Pinegar stated the work is now nearly completed. He voiced not knowing how addictive Lortab is.

Ms. Taxin responded Lortab is very addicting and if he is prescribing Lortab he should know how addicting it is. She stated he should be pulling the CSD report on his patients to review. She stated Dr. Pinegar could appoint a staff member to pull the CSD report. Ms. Taxin stated if this particular patient overdoses, is hospitalized or is randomly picked up in the CSD as a patient with high

prescriptions then Dr. Pinegar could be contacted and should have information on the patient. She suggested he talk with Dr. McIff and maybe look at treatment/pain alternatives.

The Board determined Dr. Pinegar is in compliance with his Stipulation and Order.

An appointment was made for Dr. Pinegar to meet again March 22, 2012.

2:00 pm

Dr. Jared W. Hemmert, Probationary Interview

Dr. Hemmert met for his probationary interview.

Dr. Larsen conducted the interview.

Dr. Hemmert reported his work and home life are going great.

Dr. Larsen asked for an update regarding his CS.

Dr. Hemmert responded he does not have the DEA registration yet. He stated he has contacted the DEA and was referred to the Salt Lake office and when he called he was informed he should hear something within the next couple of weeks.

Ms. Taxin suggested he follow up with the DEA. She asked how his supervisor is working out.

Dr. Hemmert responded they seem to have a good relationship. He stated he believes his supervisor is stressed because he works at his own private practice and at Dr. Hemmert's office but he is coming into the office. He stated he has had to go to his supervisor's office a couple of time due to time constraints. Dr. Hemmert stated they discuss things he is doing and accomplishing and talk about patients, procedure and successes. He stated they meet one day a week.

Ms. Taxin asked Dr. Hemmert to explain the issues with his drug testing.

Dr. Hemmert responded on Halloween the drug testing person kept postponing the time until it was late and when he tested he had a diluted test.

Ms. Taxin asked if Dr. Hemmert had taken anything and needed to dilute his test.

Dr. Hemmert responded no. He stated he is still riding his bicycle but there is nothing planned for a bike ride until February.

Dr. Larsen commented it appears Dr. Hemmert now knows how to submit the 12 step information online.

Dr. Hemmert responded yes.

Ms. Bowen stated Dr. Hemmert is also able to scan his prescriptions into the online report which makes it easier for her. She asked Dr. Hemmert to contact her if he has problems entering information online.

Ms. Taxin asked Dr. Hemmert to update the Board regarding his therapy.

Dr. Hemmert responded he is still meeting with Dr. Michael Olson once a month. He stated it has helped him examine how he interacts with people, his family and others. He stated they meet and Dr. Olson is prepared with subjects he wants to talk about and things to review. He stated he still struggles with anxiety issues when he is in a waiting pattern. He stated he had some resentment with an ex-employee and finally made amends with this person a few weeks ago by writing a note and taking it to the person's new place of employment. He stated his therapist helped with some ideas for him.

Ms. Taxin responded she believes this has been hard for Dr. Hemmert but it appears he has made some good choices, taken responsibility for his illness and wanting to make things right in his life.

Dr. Larsen commented the benefit appears that Dr. Hemmert is a happier person.

The Board determined Dr. Hemmert is in compliance with his Stipulation and Order.

An appointment was made for Dr. Hemmert to meet again March 22, 2012.

2:15 pm

Dr. John V. McArthur, Probationary Interview

Dr. McArthur met for his probationary interview

Ms. Bateman conducted the interview.

Dr. McArthur reported he has been working hard, finally settled with the DEA and the civil suit has been taken care of. He stated he has not renewed his DEA registration as he has not needed to write prescriptions for narcotics. He stated he does not have to worry about drug people now but there is one insurance company who keeps calling him.

Ms. Bateman reminded Dr. McArthur that the Board reviewed some charts at his last appointment. She stated he wrote a letter saying he had implemented some of the suggestions. Ms. Bateman asked if Dr. McArthur brought some files today for the Board to review.

Dr. McArthur responded he brought one file from the last time he met and a couple of new ones for the Board to review.

Board members passed around the files to review.

Ms. Bateman requested Dr. McArthur explain what he is doing different at this time than prior to the probation.

Dr. McArthur responded he no longer has narcotics in his office. He stated he is doing more precise and complete documentation in his charts, documenting all choices given to patients prior to treatment, documenting the type of composite he used and now uses the brand name. He stated he reviews all notes put in each chart and initials after his review.

Dr. Taylor commented he is seeing more detailed information with initials at the end of the files reviewed today.

Ms. Bateman requested an explanation regarding the prescriptions Dr. McArthur is taking.

Dr. McArthur responded he had two hip replacements and some back problems. He stated his Orthopedic Physician is his primary Physician and he only takes what he absolutely needs for pain.

Ms. Taxin commented Dr. McArthur appears less stressed and healthier which is important as he meets with people. She stated he presents better today than he has in the past. Ms. Taxin asked the Board if they had any feedback regarding the charts reviewed today.

Ms. Sliwinski asked if the medical assistants update the medical history.

Dr. McArthur responded yes.

Ms. Bateman suggested dates be included on updates. She stated she is more aware of details as recently her office had to call the paramedics for the first time. She stated it was very helpful to have the information right there and not have to hunt through the file.

Dr. McArthur thanked Board members for the suggestions. He stated his Order says he may request early termination of probation after 18 month and March will be 18 months. Dr. McArthur asked what he would need to do for the Board to consider early termination of probation.

Ms. Taxin responded Dr. McArthur would need to write an essay requesting early termination, include what he has learned in the probationary process and meet in person with the Board. She stated she would also like to know what his plans will be if he gets the CS back, i.e.; what changes he has made in his practice, charting, administration, etc.

The Board determined Dr. McArthur is in compliance with his Stipulation and Order.

An appointment was made for Dr. McArthur to meet again March 22, 2012.

Recused from Meeting

Ms. Taxin and Dr. Beyeler recused themselves from Dr. S. Dale Hibbert's interview. Mr. Ormond, Bureau Manager, was in a court hearing and unable to meet with the Board for Dr. Hibbert's interview.

2:30 pm

Dr. S. Dale Hibbert, Interview regarding lifting the Suspension on the License

Dr. Hibbert met for his interview regarding possibly lifting the suspension on his license.

Dr. Larsen conducted the interview.

Dr. Hibbert reported he attended the sedation course and submitted the information for his proposed supervisor so the suspension on his licenses can be lifted.

Dr. Larsen asked about the request for copies of Dr. Hibbert's prescriptions.

Dr. Hibbert responded he sent the information to Ms. Bowen.

Ms. Bowen confirmed she received the information.

Dr. Larsen requested an explanation regarding having missed calling in several times and missing one drug test.

Dr. Hibbert responded he did fail to call several times and did miss one test but he believes that is the only test he has missed.

Ms. Bateman stated he missed calling in on five dates.

Ms. Bowen reminded Dr. Hibbert that if one of the missed calling dates had a test scheduled he would have missed the test.

Dr. Hibbert explained he was going to be out of town and Ms. Trujillo had said she would excuse him from testing on the days he would be gone so he did not call in.

Ms. Bowen reminded him and the Board that probationers are to call whether they are in or out of town and there are testing locations in most areas. She stated she will check on the location where he went to be sure there was a center there.

Dr. Hibbert stated it was his error in not calling and testing on a date when he should have. He stated he believes he has become lax on his calling daily.

Dr. Larsen stated in order to lift the suspension on Dr. Hibbert's license there are requirements which need to be met and he needs to develop a pattern of being compliant with his Order. He asked if Dr. Hibbert has attended his 12 step meetings.

Dr. Hibbert responded no. He stated he has not attended any 12 step meeting for about three years as his Order does not require attendance. He stated he completed all the Order requirements prior to serving his time in jail.

Dr. Radmall commented it is unusual Dr. Hibbert would not be attending some type of after care for support.

Dr. Hibbert reminded the Board that his drug use was experimental and not addiction. He stated if the Board wants him to attend an aftercare program he will attend.

Dr. Larsen read Dr. Hibbert's Order and stated the Order says if participation in a support group is recommended by the evaluator then Dr. Hibbert is to participate. He stated the evaluation recommends Dr. Hibbert participate in a support group. Dr. Larsen also stated in Dr. Etringer's evaluation dated September 2011, it says Dr. Hibbert is in counseling and will participate in PIR as well. Dr. Larsen stated if the suspension is lifted the Board can require Dr. Hibbert to also attend PIR meetings. He stated if being licensed is important enough for Dr. Hibbert to be drug tested then it is important for him to attend support group meetings and PIR meetings.

Dr. Hibbert explained his experience with substances was one type for about 18 months. He stated when he attends the courses and support groups he find himself curious about what he would feel taking the drugs people are talking about and he does not want to participate in drug use. He stated being discovered while taking ecstasy was probably good for him so he did not travel further down the drug road.

Dr. Larsen voiced understanding and stated he has heard similar comments from other people but he believes attendance would be beneficial.

Dr. Radmall commented there are more than just PIR meetings available. He stated the Board wants Dr. Hibbert to find something that works for him but he does need the support to help him. He stated Dr. Hibbert denies being a drug addict but using ecstasy was a huge experimental step and he needs support around him. He recommended Dr. Hibbert find a group where he is comfortable and if it is not the 12 step or PIR then bring the information to the Board to review.

Ms. Bowen commented the reason the 12 step or PIR has not been discussed is probably because Dr. Hibbert's licenses have been on suspension but if the suspension is lifted then he will have to abide by the Order and be monitored.

Dr. Larsen stated if the suspension is lifted Dr. Hibbert will be moving into new ground and needs to know what will be required to comply with the Order.

Dr. Radmall asked if Dr. Hibbert completed the required courses.

Dr. Hibbert responded yes. He stated the sedation course was a good course.

Dr. Liston asked what Dr. Hibbert will do different in his practice and, if he is sedating, what he will do.

Dr. Hibbert responded he will monitor better and keep the stats above 92%. He stated he is not prepared to sedate patients as he is not before the Board to discuss lifting the suspension on his controlled substance license.

Dr. Larsen requested an explanation regarding Donated Dental.

Dr. Hibbert responded Donated Dental wants the suspension lifted and if it is lifted then he will meet with Donated Dental in January 2012. He stated they want to know if he can work on children who are sedated by an anesthesiologist.

Dr. Larsen asked for an explanation regarding Dr. Hibbert's appointment with Donated Dental in November 2011.

Dr. Hibbert responded he scheduled the appointment with Donated Dental and entered it on his telephone. He stated he lost the telephone and at the time of the appointment he was in a class but will meet with them in January.

Dr. Radmall asked why it would take two months to reschedule an appointment with Donated Dental.

Dr. Hibbert responded Donated Dental wants him to have Board approval to work there.

Dr. Radmall asked if Dr. Hibbert is going to work at Donated Dental or if he is interviewing to work there.

Dr. Hibbert responded he worked at Donated Dental before and knows them but has to meet for an interview to finalize if they will allow him to work there again.

Ms. Sliwinski asked where the class was held and were the class, the missed appointment and calling in all about the same time.

Dr. Hibbert responded the class was in Arizona and yes, it was all about the same time.

Ms. Bowen explained if Dr. Hibbert had kept his appointment in November with Donated Dental and they accepted him then he would still need to submit the resume of his proposed supervisor for the Board to review to determine if they approve. She stated Dr. Hibbert has not met with Donated Dental and they have not hired him. She stated the Board cannot consider lifting the suspension on his Dental license until he has met with and been hired or approved for hire by Donated Dental.

Dr. Hibbert responded he believes Donated Dental wants him to start work as soon as they accept him. He stated he believes they are anxious for him to start.

Dr. Larsen stated he would be more comfortable if Dr. Hibbert met again with the Board in March and during this time call in every day, have all negative drug tests, submit the required resume from his proposed supervisor for review.

Dr. Radmall suggested Dr. Hibbert also come in March prepared with information and a proposal for a support group if not 12 step or PIR.

Ms. Bateman asked if the evaluation and/or Order indicate how often Dr. Hibbert would need to attend a support group.

Dr. Radmall asked if Dr. Hibbert has attended any support group.

Dr. Hibbert again responded no and the Order says he would need to attend if the evaluator recommends it.

Dr. Larsen again reminded him that the evaluator has recommended he attend PIR and the Order recommends he attend twice a week.

Ms. Bowen stated since it was a two year suspension Mr. Ormond may want to review the Order and make some amendments. Ms. Bowen stated she will discuss it with Mr. Ormond.

Dr. Hibbert stated at his last appointment with the Board he believed all that was needed was for him to complete the course and submit information on his proposed supervisor for the suspension to be lifted.

Ms. Batement responded the missing test, not calling in daily and missing his appointment with Donated Dental are all concerns for the Board. She stated there have been some practitioners on probation for year and never missed any call in dates.

Dr. Woolsey commented the Board needs to see Dr. Hibbert on track to be comfortable in lifting the suspension.

Dr. Larsen requested Dr. Hibbert to meet again March 22, 2012.

Dr. Hibbert again stated he does not believe he is required to attend any 12 step meetings or PIR meetings.

Ms. Bowen referred him to page 11 of his Order and suggested he review his Order and the evaluation, especially the recommendations of the evaluation.

Dr. Hibbert asked why these issues were not discussed at his last appointment three months ago.

Dr. Larsen responded there were no missed tests, no missed calls and no missed appointments three months ago.

Dr. Hibbert stated at his last appointment the Board thought his drug testing could be decreased as drugs are not his temptation. He stated it is difficult not have the structure of working in his life so he can be where he wants to be. He stated he was sorry he missed calling in but he has been drug testing before his license was suspended by DOPL.

Dr. Larsen again stated the Board could not believe he missed calling in, missed a drug test and missed his appointment with Donated Dental with the

excuse he lost his telephone. He stated all of those things should have been etched in Dr. Hibbert's mind. He stated if Dr. Hibbert had followed the conditions, the outcome today might have been different. Dr. Larsen stated Dr. Hibbert needs to be accountable and not get upset with the Board when he did not do what he was supposed to do.

Ms. Sliwinski stated earlier in Dr. Hibbert's appointment he had said he did not want to attend courses that bring up drugs he is curious about and now he is saying drugs are not a temptation for him.

Ms. Bateman stated the Board would not want to have Dr. Hibbert do nothing since he did have the situation with the drugs. She stated the Board might consider therapy instead of PIR if there was a therapy report to review.

Dr. Larsen stated the Board could not consider therapy or PIR as they are different with different purposes.

Dr. Liston stated attendance at PIR is not just to help Dr. Hibbert but also to help others that are there. He stated Dr. Hibbert has a lot to give and should give to help others.

The Board requested Dr. Hibbert to meet again March 22, 2012.

Dr. Hibbert left the meeting.

Ms. Taxin and Dr. Beyeler returned to the meeting.

Dr. Hibbert returned and informed the Board that he is scheduled for a minor procedure next week and he asked if it is ok with the Board to obtain a prescription if the Physician recommends one.

Ms. Taxin responded the Physician should read the Stipulation and Order and write Ms. Bowen regarding having read the Order and include the type of procedure and what medication might be recommended so the Division is aware. She stated

Dr. Hibbert should request a non-addictive medication.

APPLICATION REVIEW:

Valeri J. Wisner, Examination Comparison for
Dental Hygienist Licensing

The Board reviewed Ms. Wisner's comparison.

Ms. Bateman recommended the application be approved for Dental Hygienist as the information meets Utah's requirements.

The Board Concurred.

DISCUSSION ITEMS:

FYI

The Board noted the following dates for the 2012 Board Meeting Schedule: March 22, June 21, September 20 and December 6, 2012.

Dentists Dispensing Medications

Ms. Taxin stated a question came to the Division asking if Dentists can sell Floride toothpaste and mouth wash. Ms. Taxin stated if the products are prescription grade they are required by Law to be dispensed by a Pharmacist at a Pharmacy. She stated the Pharmacy Association will be opening the Pharmacy Act again at the next Legislative session and if the Dental Board and Dental Association believe Dentists should have the ability to dispense specific medications out of the office they should contact the Pharmacy Association or the Dental Association could address it next year.

The Board concurred.

CORRESPONDENCE:

Patrick D. Braatz, Executive Director of
Oregon Board, Letter Regarding ADA
Development of Examination to Assess
Clinical Competence

The Board reviewed Mr. Braatz letter.

No Board action was taken.

CODA Information Regarding Board
Participation on Accreditation Site Visits

The Board reviewed the information.

No Board action was taken.

FTC Position on Teeth Whitening

The Board reviewed the position paper.

Ms. Taxin stated the Division will not be enforcing, that Dentists must be the only practitioner/person who can implement teeth whitening based off the ongoing lawsuits on the issue.

NEXT MEETING SCHEDULED FOR:

March 22, 2011

ADJOURN:

The time is 5:04 pm and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

Date Approved

Chairperson, Utah Dentist & Dental Hygienist
Licensing Board

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing